



भारत का राजपत्र

The Gazette of India

प्रसाधारण
EXTRAORDINARY

भाग II—संख्या 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 52] नई दिल्ली, शुक्रवार, विनायक 28, 1990/वौष 7, 1912
No. 52] NEW DELHI, FRIDAY, DECEMBER 28, 1990/PAUSA 7, 1912

इस भाग में विभिन्न पृष्ठ संख्याएँ दो जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 28th December, 1990:—

BILL No. 153 of 1990

A Bill further to amend the Railway Protection Force Act, 1957.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Railway Protection Force (Amendment) Act, 1990.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of
new long
title for
long
title.

23 of 1957.

2 In the Railway Protection Force Act, 1957, (hereinafter referred to as the principal Act), for long title, the following shall be substituted, namely:—

“An Act to provide for the constitution and regulation of a Force called the Railway Protection Force for the better protection and security of railway property.”.

Amendment of
section 3.

3. In section 3 of the principal Act, in sub-section (1), for the words “an armed force of the Union”, the words “a Force” shall be substituted.

Omission
of
section
15A.

4. Section 15A of the principal Act shall be omitted.

Substitu-
tion of
new sec-
tion for
section 17.

5. For section 17 of the principal Act, the following section shall be substituted, namely:—

Penalties
for
neglect
of duty,
etc.

“17. (1) Without prejudice to the provisions contained in section 9, every member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation of lawful order made by a superior officer, or who shall withdraw from the duties of his office without permission, or who, being absent on leave, fails without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty is a member of the Force, or who shall be guilty of cowardice, should be liable, on conviction before a Magistrate, to imprisonment for a period not exceeding six months.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable.”.

2 of 1974.

Substitu-
tion of
new sec-
tion for
section 19.

6. For section 19 of the principal Act, the following section shall be substituted, namely:—

Certain
Acts not
to apply
to mem-
bers of
the
Force.

“19. Nothing contained in the Payment of Wages Act, 1936, or the Industrial Disputes Act, 1947, or the Factories Act, 1948, shall apply to members of the Force.”.

4 of 1936.
14 of 1947.
63 of 1948

STATEMENT OF OBJECTS AND REASONS

The Railway Protection Force has been constituted under the Railway Protection Force Act, 1957, for ensuring better protection and security of railway property and for investigation of offences against railway property. From the time of constitution of the force, the strength and the responsibility of the Force has considerably increased. All such responsibilities cannot be properly executed without the fullest cooperation of the Force and its personnel. For that, proper motivation of the personnel is required. The Report of the High Powered Committee on Security and Policing on the Railway, 1966-68, in its Preamble, correctly highlighted that. The Railway Protection Force Regulations, 1966 also provided for the formation of Service Associations and their recognition by the Government so that proper motivation to shoulder the added responsibilities can be created in the Force. In the year 1985, the Government decided to take away the right of the members of the Force to form associations. A one man Expert Committee was set up for this purpose under a former Chairman, Railway Board. As a result of the recommendation of the Committee, the Government decided to declare the Force as 'an Armed Force of the Union' and the 'Right to Associate' was taken away from the personnel of the Force. No added benefits or responsibilities of the personnel were recommended by that Expert Committee.

The move of the Government was opposed and several memoranda were submitted to it to reconsider the decision to take away the recognition of the Associations of the personnel of the Force.

The Bill seeks to restore the democratic rights to personnel of the Railway Protection Force.

NEW DELHI;
August 3, 1990.

BASUDEB ACHARIA.

BILL NO. 166 OF 1990

A Bill further to amend the Protection of Civil Rights Act, 1955.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short title
extent and commencement.

1. (1) This Act may be called the Protection of Civil Rights (Amendment) Act, 1990.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
section
3.

2. In section 3 of the Protection of Civil Rights Act, 1955 (hereinafter referred to as the principal Act), for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees", the words "shall be punishable with imprisonment for a term of not less than one year and not more than two years and also with fine which shall be not less than one thousand rupees and not more than two thousand rupees" shall be substituted.

22 of 1990.

3. In section 4 of the principal Act, for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees", the words "shall be punishable with imprisonment for a term of not less than one year and not more than two years and also with fine which shall be not less than one thousand rupees and not more than two thousand rupees" shall be substituted

Amend-
ment of
section
4.

4. In section 5 of the principal Act, for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees", the words "shall be punishable with imprisonment for a term of not less than one year and not more than two years and also with fine which shall be not less than one thousand rupees and not more than two thousand rupees" shall be substituted

Amend-
ment of
section
5.

5. In section 6 of the principal Act, for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees", the words "shall be punishable with imprisonment for a term of not less than one year and not more than two years and also with fine which shall be not less than one thousand rupees and not more than two thousand rupees" shall be substituted.

Amend-
ment of
section
6.

6. In section 7 of the principal Act,-

Amend-
ment of
section
7.

(i) in sub-section (1), for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees", the words "shall be punishable with imprisonment for a term of not less than one year and not more than two years and also with fine which shall be not less than one thousand rupees and not more than two thousand rupees" shall be substituted;

(ii) in sub-section (2), for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months, and also with fine wh'ch shall be not less than one hundred rupees and not more than five hundred rupees", the words "shall be punishable with imprisonment for a term of not less than one year and not more than two years and also with fine which shall be not less than one thousand rupees and not more than two thousand rupees" shall be substituted.

7. In section 7A of the principal Act, in sub-section (2), for the words "shall be punishable with imprisonment for a term which shall not be less than three months and not more than six months and also with fine which shall not be less than one hundred rupees and not more than five hundred rupees", the words "shall be punishable with imprisonment for a term which shall not be less than one year and not more than

Amend-
ment of
section
7A.

two years and also with fine which shall be not less than one thousand rupees and not more than two thousand rupees" shall be substituted.

Amend-
ment of
section
11.

8. In section 11 of the principal Act,

(i) in clause (a) for the words "for the second offence, with imprisonment for a term of not less than six months and not more than one year, and also with fine which shall be not less than two hundred rupees and not more than five hundred rupees", the words "for the second offence, with imprisonment for a term of not less than two years and not more than four years, and also with a fine which shall be not less than two thousand rupees and not more than four thousand rupees", shall be substituted;

(ii) in clause (b), for the words "for the third offence or any offence subsequent to the third offence, with imprisonment for a term of not less than one year and not more than two years, and also with fine which shall be not less than five hundred rupees and not more than one thousand rupees", the words "for the third offence or any offence subsequent to the third offence, with imprisonment for a term of not less than three years and not more than six years, and also with fine which shall be not less than three thousand rupees and not more than six thousand rupees" shall be substituted.

Amend-
ment of
section
15.

9. In section 15 of the principal Act,

(i) in sub-section (1), for the words "minimum terms exceeding three months", the words "minimum term exceeding one year" shall be substituted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely—

Magis-
trate
not to
insist on
evidence.

"(1A) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Judicial Magistrate or the Metropolitan Magistrate, trying a case falling under the provisions of this Act, shall not insist on the production of any evidence but shall go into the merits of the facts of the case as presented by the aggrieved party".

2 of 1974.

STATEMENT OF OBJECTS AND REASONS

Although article 17 of the Constitution provides for abolition of untouchability, for bids its practice in any form and makes the practice of untouchability a cognizable offence and the protection of the Civil Rights Act, 1955, has been on the Statute book for several years yet the society makes the "untouchables" clearly understand and realise that they are socially unequal in every walk of life. At certain levels, the social inequality is practised with vengeance. The practice of this implicit and invisible form of social inequality by the society towards "untouchables" is one of the main sources of growing tensions and distrust among different sections in our society.

Surprisingly, even the minimum constitutional safeguards provided for the 'untouchables' are often considered at various levels of implementation as a matter of casual charity. Therefore, it is a fact, universally felt and realised, that untouchability in several forms is still perpetrated in our society particularly in rural areas and about seventy per cent of our population lives only in rural India.

Though the practice of untouchability is a cognizable offence, very few cases relating to the offences of untouchability are reported or taken cognizance of because the victims of such untouchability belong to the poor and the down-trodden communities and they dare not report the cases for fear of reprisals from the offenders who belong to the so-called privileged classes. Even when the offences of untouchability are reported, the cases are hardly proved because of the difficulties faced by the victims in producing the required evidence. Even when a case is proved the punishment awarded to the offenders is very light and it has no deterrent effect. Therefore, in a way, it encourages the offenders to indulge in such inhuman acts more frequently.

Keeping all these existing facts in view, the legal requirement of producing evidence by the victims of untouchability should be dispensed with and the Magistrate conducting the trial in such cases should judge the merits of the facts of the cases and award his judgement to serve the objective of social equality and the punishment to be awarded in cases of untouchability offences should be such that it needs to have a deterrent effect.

NEW DELHI:

KUSUMA KRISHNAMURTHY

August 16, 1990.

BILL NO. 174 OF 1990

A Bill further to amend the Railway Protection Force Act, 1957.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short title and commencement of new long title for long title,

Amend-
ment of
section 2.

1. (1) This Act may be called the Railway Protection Force (Amendment) Act, 1990.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Railway Protection Force Act, 1957 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:—

23 of 1957.

“An Act to provide for the constitution and regulation of a Force called the Railway Protection force for the better protection and security of railway property and for investigation of offences against railway property.”.

3. In section 2 of the principal Act, in sub-section (1).—

(i) clauses (ba) and (bb) shall be omitted;

(ii) in clause (c), the words “other than a superior officer” shall be inserted at the end;

(iii) clause (ea) shall be omitted; and

(iv) clause (fa) shall be omitted.

4. In section 3 of the principal Act,—

(i) in sub-section 1, for the words "an armed Force of the Union", the words "a force" shall be substituted;

(ii) in sub-section 2, for the words "superior officers, subordinate officers, under officers and other enrolled members", the words "superior officers and members" shall be substituted.

5. In section 4 of the Principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Central Government may appoint a person to be the Director-General of the Force and may appoint other persons to be Inspectors-General, Additional Inspectors-General, Deputy Inspectors-General-cum-Chief Security Officers, Deputy Chief Security Officers, Security Officers and Assistant Security Officers of the force.".

6. After section 4 of the principal Act, the following section shall be inserted, namely:—

"5. There shall be the following classes of officers and other ranks among the members of the Force, who shall take rank in the order mentioned, namely:—

A. Classes of Officers—

- (i) Inspector,
- (ii) Sub-Inspector,
- (iii) Assistant Sub-Inspector.

B. Classes of other ranks—

- (i) Head Constable,
- (ii) Naik,
- (iii) Constable."

7. In section 6 of the principal Act, for the words "enrolled members", the word "members" shall be substituted.

8. For section 8 of the principal Act, the following section shall be substituted:—

"8. (1) The Superintendence of the Force shall vest in the Central Government, and subject thereto the administration of the Force shall vest in the Director-General and shall be carried on by him in accordance with the provisions of this Act and of any rules made thereunder.

(2) Subject to the provisions of sub-section (1), the administration of the Force within such local limits in relation to a railway as may be prescribed shall be carried on by the Chief Security Officer in accordance with the provisions of this Act and of any rules made thereunder, and he shall discharge his functions under the general supervision of the Director-General:

Amend-
ment of
section 3.

Amend-
ment of
section 4.

Inset-
tion of
new sec-
tion 5.

Classes
and ranks
among
members
of the
force

Amend-
ment of
section 6.

Substi-
tution
of new
section
for sec-
tion 8.

Superin-
tendence
and
adminis-
tration
of the
Force.

Provided that so far as the duties of protection and safeguarding the railway property are concerned, the Chief Security Officer shall discharge his functions under the general supervision of the General Manager of the Railway.”.

Amend-
ment of
section 9.

9. In section 9 of the principal Act,—

(i) in sub-section (1), for the words “enrolled member”, at both the places where it occurs, the word “member” shall be substituted; and

(ii) in sub-section (2), for the words “enrolled member”, the word “member” shall be substituted.

Insert-
tion of
new
sections
12A and
12B.

10. After section 12 of the principal Act, the following sections shall be inserted, namely:—

Power
to Inves-
tigate.

“12A. When any person is arrested in accordance with clause (ii) or (iii) of section 12, the officer of the Force shall proceed to inquire into the charge against such person and for this purpose an officer of the Force may exercise the same powers and shall be subject to the same provisions as he may exercise and is subject to under the Railway Property (Unlawful Possession) Act, 1966, when inquiring into a case and/or the officer-in-charge of a Police Station may exercise and is subject to under Code of Criminal Procedure, 1973, when investigating into a cognizable offence.

Procedure
after
arrest.

12B. Any superior officer or member of the Force making an arrest under clause (i) or (iv) of section 12 shall without unnecessary delay, make over the person so arrested to a police officer, or in the absence of a police officer, take such person or cause him to be taken to the nearest police station.”.

Omission
of sec-
tion 14.

11. Section 14 of the principal Act shall be omitted.

Substi-
tution
of new
section
for sec-
tion 15.

12. For section 15 of the principal Act, the following section shall be substituted, namely:—

Officers
and
members
of the
Force to be
considered
always on
duty and
liable
to be
employed
in any
part of
the
Railways.

“15. (1) Every superior officer and member of the Force shall, for the purpose of the Act, be considered to be always on duty, and shall, at any time, be liable to be employed in any part of the railway throughout India.

(2) No superior officer or member of the Force shall engage himself in any employment or office other than his duty under this Act.”.

29 of 1966.

2 of 1974.

13. Section 15A of the principal Act shall be omitted.	Omission of section 15A.
14. Section 16A of the principal Act shall be omitted.	Omission of section 16A.
15. For section 17 of the principal Act, the following section shall be substituted, namely:—	Substitution of new section for section 17.
<p>“17. (1) Without prejudice to the provisions contained in section 9, every member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by a superior officer, or who shall withdraw from the duties of his office without permission, or who, being absent on leave fails without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty as a member of the Force, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to imprisonment for a period not exceeding six months.</p>	Penalties for neglect of duty, etc.
<p>2 of 1974.</p> <p>(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable.”</p>	
16. For section 19 of the principal Act, the following section shall be substituted, namely:—	Substitution of new section for section 19.
<p>4 of 1936. 14 of 1947. 63 of 1948.</p> <p>“19. Nothing contained in the Payment of Wages Act, 1936, or the Industrial Disputes Act, 1947 or the Factories Act, 1948, shall apply to members of the Force.”</p>	Certain Acts not to apply to members of the Force.
17. In section 21 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—	Amendment of section 21.
<p>“(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for—</p>	
<p>(a) regulating the classes and grades and the pay and remuneration of superior officers and members of the Force and their conditions of service in the Force;</p>	
<p>(b) regulating the powers and duties of superior officers and members of the Force authorised to exercise any functions by or under this Act;</p>	

(c) fixing the period of service for superior officers and members of the Force;

(d) regulating the punishments and providing for appeals from, or the revision of, orders of punishment, or the remission of fines or other punishments;

(e) any other matter which has to be, or may be prescribed.”.

STATEMENT OF OBJECTS AND REASONS

The crime on the railways *i.e.* the damage to the railway property and to the property of the train passengers has increased manifold. There are two agencies to combat crime on the railways—(i) the Railway Protection Force, and (ii) the Government Railway Police. The Railway Protection Force is charged solely with the protection of railway property and the Government Railway Police is charged with the maintenance of law and order and to deal with other crimes on the railways. Reports of several Committees appointed by the Government of India to suggest better security and policing reveal that crime on the railways and to the railway property could not be arrested because the Railway Protection Force lacks legal powers of investigation and they depend upon the Government Railway Police, who are vested with all police powers. The Government Railway Police is not able to combat crime against railway property because of its engagement in maintenance of law and order and the crimes on the property of the railway users.

The Railway Protection Force Act, 1957, was amended in 1985 and the amendments made by the amending Act were not as per the spirit of recommendations of various Committees appointed from time to time to suggest ways and means for the better functioning of the Railway Protection Force. The Railway Protection Force was not given any legal powers of investigation and prosecution to deal effectively with various forms of crimes on the railway property. The amending Act has also abrogated the right of the personnel of the Force to form association.

The Bill seeks to do away with the lacunae in the Railway Protection Force Act, 1957, which were created consequent on amendment of the Act in 1985 and to make the Railway Protection Force, a more conducive force for the better protection of railway property.

NEW DELHI:
August 17, 1990.

P. R. KUMARAMANGALAM.

BILL No. 178 OF 1990

A Bill to regulate and improve the service conditions and to provide for the welfare of agricultural transplantation workers.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Agricultural Transplantation Workers Welfare Act, 1990.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'appropriate Government' means in the case of a State, the State Government and in the case of a Union territory, the Government or the administration, as the case may be, of the Union territory;

(b) 'Authority' means the Authority appointed by the appropriate government under section 3;

(c) 'transplantation worker' means an agricultural worker, both men and women, who is employed for transplantation work and earns wages on daily or any other basis;

(d) 'employer' means any person who employs, whether directly or through another person, one or more workers for any work connected with transplantation;

(e) 'prescribed' means prescribed by rules made under this Act.

3. (1) The appropriate Government shall, by notification in the Official Gazette, establish an Agricultural Transplantation Workers Welfare Authority to regulate and improve the service conditions of transplantation workers in the country.

Establish-
ment of
Agricul-
tural
Trans-
plantation
Workers
Welfare
Authority.

(2) The Authority shall have offices in every district of a State or Union territory.

4. The authority shall maintain a Register in which names of all job seeking transplantation workers of the area shall be entered with such particulars as may be prescribed by the rules made under this Act.

Register
of work-
ers.

5. The Authority shall also maintain a Register of such employers of areas as are engaging agricultural workers for transplantation jobs with such particulars as may be prescribed by rules made under this Act.

Register
of emplo-
yers.

6. Every employer shall, before engaging any transplantation worker, shall notify his need of transplantation workers to the Authority within whose jurisdiction his land is situated.

Employ-
er to noti-
fy his
need of
workers
to
Authority.

7. If an unregistered employer engages any person on his land for transplantation work, he shall be liable to be prosecuted.

Punish-
ment to
unregis-
tered
employer.

8. The Authority shall give an unemployment allowance at a rate to be fixed by the Central Government, in cash or kind, to every unemployed transplantation worker, whose name appears in the register of workers maintained by the Authority, who is not able to get employment for a continuous period of thirty days.

Grant of
unemploy-
ment al-
lowance.

9. Every employer shall pay a minimum of rupees two thousand and five hundred per month or rupees ninety per day to a transplantation worker engaged by him for work on his land and this rate of wages shall be subject to change in accordance with the rise in price index.

Minimum
wages to
be paid
to
workers.

Hours of work

10. No transplantation worker shall be required to work by the employer for more than eight hours in a day and shall not be made to work after sunset.

Provision of equipments to transplantation workers.

11. Every employer shall provide to the transplantation workers such equipment like rubber gloves, special canvas boots, etc. as is necessary for their work.

Medical care for transplantation workers.

12. Every employer shall provide necessary medical facilities for transplantation workers at the places of their work to meet any exigency:

Provided that the employer shall, in case of hospitalisation of a transplantation worker, for any injury, etc. received during work, bear all the expenses involved.

Compulsory insurance of transplantation workers.

13. Every transplantation worker, shall be insured compulsorily against death, ailment or permanent disablement and the insurance premium shall be paid by the employer to the insurance company on behalf of the workers which may be adjusted from the dues of the workers.

Constitution of Welfare Fund.

14. The Central Government shall constitute a fund to be called the Agricultural Transplantation Workers Welfare Fund for the welfare of transplantation workers.

Pension and Provident fund facility to workers.

15. There shall be formulated a scheme by the Central Government for providing pension-cum-provident fund facility out of the Fund constituted under section 14, to the transplantation workers on their attaining the age of fifty-five years or on becoming incapable of earning livelihood due to old age or disease.

Compensation for death or illness.

16. In the event of death of a transplantation worker or on his contracting any disease requiring long term expensive treatment, the family of the transplantation worker shall be provided a reasonable grant out of the fund created under section 14.

Advisory Council.

17. There shall be set up an Advisory Council at the Central and State levels to advise the respective Governments on all problems arising from the implementation of this Act.

Power to make rules.

18. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The agricultural transplantation workers mostly consist of women. At present there is no legal protection for transplantation workers in regard to their working conditions, wage structure, pension and other social security measures. Their condition is getting worse day by day. There are no duty hours fixed for them and after working continuously for long hours in the worm-infested wet and watery fields in trying circumstances, some of them are also required to attend to employers' household duties.

These helpless transplantation workers by constantly working for long hours in knee-deep water in chemical-manure sprayed fields contract serious skin ailments and many of them also die while doing their jobs.

It is, therefore, necessary to regulate the conditions of service of such workers. The Bill seeks to achieve the above objective.

NEW DELHI;

KUSUMA KRISHNAMURTHY.

August 29, 1990.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of an Agricultural Transplantation Workers Welfare Authority, having offices in every district of a State or Union territory. Clause 4 provides for maintenance of register of workers. Clause 5 provides for maintenance of register of employers. Clause 8 provides for payment of unemployment allowance to transplantation workers. Clause 14 provides for the constitution of Agricultural Transplantation Workers Welfare Fund. Clause 17 provides for the setting up of an Advisory Council at the Central and State levels to advise on the implementation of the Act. Besides meeting the expenditure of Union territories, the Central Government shall have to provide financial assistance to State Governments for carrying out the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve recurring expenditure of about rupees one hundred and fifty crores per annum.

Non-recurring expenditure of about rupees forty-six crores is also likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of details only, delegation of legislative power is of a normal character.

BILL No. 165 of 1990

A Bill to provide for appointment of only one member of a family in public services and posts in connection with the affairs of the Union.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the One-Family One-Post (In Government Service) Act, 1990.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint but such date shall not be later than six months from the date on which it is assented to by the President.

2. In this Act, unless the context otherwise requires,—

(a) "family" means and includes husband, wife, minor sons and unmarried daughters;

Short title and commencement.

Definitions.

(b) "Government service" means public services and posts in connection with the affairs of the Union and includes services and posts in undertakings of the Government of India;

(c) "prescribed" means prescribed by rules made under this Act.

3. Not more than one member of a family shall be entitled to hold a post in Government service.

Restriction on taking up Government service.

Declaration by a Government servant.

Power of the administrative head to initiate an inquiry etc.

Punishment for a person who abets another person in getting Government service.

Exemption.

Power to make rules.

4. Every person shall, before accepting a post in Government service, make and subscribe before the administrative head, an oath in the prescribed form, to the effect that no other member of his family is currently holding a post in Government service.

5. (1) If at any time it appears to the administrative head on the petition filed by any person or otherwise that a person holding post in Government service has violated the provisions of section 4, he shall initiate an inquiry to that effect.

(2) Notwithstanding anything contained in any other law for the time being in force, if after an inquiry, under sub-section (1), it is proved that a person holding post in Government service has violated the provisions of section 4, such a person, —

(i) shall be removed from the post in Government service and all his dues, otherwise payable to him, shall be forfeited; and

(ii) shall be punishable with fine which may extend to five thousand rupees.

6. Notwithstanding anything contained in any other law for the time being in force, if a person abets or induces in any manner another person to get a post in Government service or withholds any information, in violation of the provisions of this Act or rules made thereunder, he shall be punishable with fine which may extend to three thousand rupees.

7. The provisions of this Act shall not apply to persons holding posts, other than civil posts, in the armed forces of the Union.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the particulars which the form of oath under section 4 may contain;

(b) the procedure for deciding the petitions that may be made under section 5;

(c) any other matter which may require to be prescribed under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are lakhs of job-seekers registered with the employment exchanges all over the country. In a large number of cases not even a single member of a family is gainfully employed. On the other hand there are innumerable cases where many members of the same family are employed in Government and semi-Government offices. Taking into consideration the large population of the country and the limited employment opportunities, and also to broaden the base for recruitment to Central Government services, it is necessary to introduce by law the concept of "one-family one-post" in Government services.

Hence this Bill.

NEW DELHI;

K. RAMAMURTHY

September 16, 1990.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL No. 170 of 1990

A Bill to provide for the taking over of the import and export trade of the Central Government or an agency set up for that purpose.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Import and Export Trade Act, 1990.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—
 - (a) "export" means taking out of India by sea, land or air;
 - (b) "import" means bringing into India by sea, land or air;
 - (c) "person" means and includes juridical person, whether an individual or a body, an organisation or an association of persons;
 - (d) "prescribed" means prescribed by rules made under this Act;
 - (e) "prescribed authority" means the District Collector within whose jurisdiction a person has his place of normal residence or place of business or any other authority as may be prescribed in this behalf,

Short title,
extent and
commen-
cement.

Definitions

Import and export trade only by Government.

Commercial and financial negotiations with foreigners.

Information about foreign exchange to prescribed authority.

Penalty.

Power to make rules.

3. The import and export of goods of any description across the customs frontiers shall not be carried on by any person other than the Central Government or any corporation set up under the law made by Parliament.

4. No person shall enter into any negotiation or transaction having financial and commercial implication involving foreign exchange with any person outside India without prior permission obtained from the Central Government in accordance with the prescribed manner.

5. (1) Notwithstanding any other law for the time being in force, every person who has or is likely to have within a period of one year from the date of commencement of this Act foreign exchange to his credit or to the credit of his successor or a nominee shall disclose its particulars to the prescribed authority in a prescribed manner and in the prescribed form.

(2) On receipt of the information under sub-section (1), the prescribed authority shall communicate, in the prescribed form, the information so received to the Controller of Imports and Exports, who shall consolidate the information so received in such form as may be prescribed and cause it to be placed before the Council of Ministers of the Central Government at prescribed intervals.

6. If any person contravenes or attempts to contravene, or abets a contravention of, any provision of this Act, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of any other law for the time being in force, be punishable,—

(a) where the value of the goods, in relation to which such contravention or attempted contravention or abetment of contravention has been made, exceeds ten lakh rupees, with imprisonment for a term which may extend to seven years and also with fine, and

(b) in any other case, with imprisonment for a term which may extend to three years and also with fine:

Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgement of the Court, such imprisonment shall not be for less than six months.

7. (1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) The Central Government may, while making rules, impose any condition or restriction for the purpose of carrying into effect the provisions of this Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session.

for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

8. The Import and Export (Control) Act, 1947 is hereby repealed.

Repeal
of Act
No. 18
of 1947.

STATEMENT OF OBJECTS AND REASONS

The fact that "Black money" is generated on a large scale and used for legitimate and illegitimate purposes has been recognised by all. This money is generated by trade and industry, using various techniques, such as, over invoicing of imports and under valuing of exports, making false declarations about the identity, quality and quantity of goods under import or export. This practice not only upsets the economic planning of the country but also escalates inflation. In order to curb this practice it is essential that the import and export trade be done only by the Government or statutory agencies set up for the purpose.

Hence this Bill.

NEW DELHI;

October 4, 1990.

K. RAMAMURTHY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for carrying on of the trade of import and export by the Central Government. This requires recruitment of some persons to work for the Central Government. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is not possible at this stage to give an accurate estimate of this expenditure. It is, however, likely to involve a recurring expenditure of about rupees one crore per annum.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. The rules will relate to matters of details only. The delegation of legislative power is, therefore, of a normal character.

BILL No. 163 OF 1990

A Bill to provide for the fixation of public holidays and working hours for public offices.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Public Offices (Fixation of Public Holidays and Working Hours) Act, 1990.

Short title,
extent
and
com-
mence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) "public holiday" means a holiday observed by the State;

(b) "public office" means and includes all offices, establishments working for, or under the authority of, the State;

(c) "the State" includes the Government of India, the Union territory administrations and all other authorities, within the territory of India, which are under the control of the Government of India.

Public
holidays
not to be
declared
on the
basis of
religion,
etc.

3. The State shall not declare any day as public holiday solely on the consideration of religion, race, community, caste, creed, region, tradition or festival.

National
holidays.

4. The Republic day, the Independence day and the birthday of Mahatma Gandhi shall be observed as national holidays.

Weekly
public
holidays.

5. In every calendar month Sunday shall not be a public holiday and instead, every second, eighth, sixteenth and twenty-fourth day of a calendar month shall be public holidays.

Power of
Central
Govern-
ment.

6. Subject to the provisions of section 3, the Central Government may declare any other day, by notification in the Official Gazette, to be a public holiday.

Working
hours
of public
offices.

7. The working hours of every public office shall be from 09.00 hours to 17.00 hours with one hour break in between.

STATEMENT OF OBJECTS AND REASONS

The Preamble to the Constitution declares India as a sovereign, socialist, secular, democratic republic. However, the pattern of our public holidays is entirely based on the consideration of religion, tradition, and other non-secular considerations associated with castes and communities. This situation is inconsistent with the spirit of the Constitution. In order to give a uniform, secular and rational look and content to our public holiday system, the Bill seeks to discontinue the concept of traditional holiday like Sundays, etc. and provide for specific dates for weekly public and specific national holidays without any consideration of religion, tradition, etc. for the whole of the country. The Bill also seeks to provide for uniform working hours for all public offices.

NEW DELHI;
October 4, 1990.

K. RAMAMURTHY

BILL NO. 164 OF 1990

A Bill further to amend the National Highways Act, 1956.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the National Highways (Amendment) Act, 1990.

Amend-
ment of
section 5.

2. Section 5 of the National Highways Act, 1956, shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

48 of
1956.

“(2) In case of a railway line or railway track crossing a national highway, it shall be the responsibility of the administration of that railway to construct and maintain in proper repair, three hundred metres of such national highway on either side of the railway line or track :

Provided that if such a crossing falls within the jurisdiction of a Municipal Committee, Corporation, Cantonment Board or any other statutory authority, the length of such approach roads which shall be maintained by the railways shall be determined by mutual agreement between the railway administration and such Municipal Committee, Corporation, Cantonment Board or statutory authority but the railways shall not be absolved of their responsibility for the proper maintenance of such approach roads.

(3) It shall also be the responsibility of the railways to construct and maintain over-bridges or under-bridges, as the case may be, at such railway crossings.

(4) Notwithstanding anything contained in section 2 or any other law for the time being in force, the portion of the national highways referred to in sub-section (2) shall, for the purposes of this section, vest in the railway administration concerned.”.

STATEMENT OF OBJECTS AND REASONS

The traffic on national highways gets unduly stuck up at railway level crossings, particularly at those located within the local limits of cities and towns. This causes considerable loss of time and money to the users of national highways. Besides causing traffic jams, it also causes wastage of precious fuel and air-pollution. The railway level crossings are heavily prone to serious accidents and always remain a threat to life and property of the road users. It is, therefore, necessary an expedient for Parliament to legislate for making the railways responsible for construction and maintenance of over-bridges/under-bridges at such railway level crossing instead of leaving this work to the State Governments or local administrations who do not always have adequate funds.

Hence this Bill.

NEW DELHI;

October 4, 1990.

K. RAMAMURTHY

FINANCIAL MEMORANDUM

Clause 2 of the Bill which seeks to insert new sub-section in section 5 of the National Highways Act, 1956, provides that the railway administration shall construct and maintain three hundred metres of such national highway on either side of the railway line or track which crosses a national highway and shall also construct and maintain over-bridges/under-bridges at such railway crossings. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees four crores per annum.

It is also likely to involve a non-recurring expenditure of about rupees two crores

BILL No. 168 OF 1990

A Bill to amend the Medical Termination of Pregnancy Act, 1971.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Medical Termination of Pregnancy (Amendment) Act, 1990.

Short title.

34 of 1971. 2. In section 3 of the Medical Termination of Pregnancy Act, 1971 (hereinafter referred to as the principal Act), in sub-section (2), before *Explanation 1*, the following proviso shall be inserted, namely:—

Amendment of section 3.

“Provided that no pregnancy of a woman shall be terminated by a registered medical practitioner or practitioners, as the case may be, if he or they have reason to believe that such termination is sought with intention to commit female foeticide after having determined the sex of the child to be born by a sex-determination test.”.

Amend-
ment of
section 4.

3. In section 4 of the principal Act, after clause (b), the following proviso shall be inserted, namely:—

“Provided that no place shall be approved for the purpose of this Act by Government if sex-determination tests are held in such place and it is privately owned.”.

STATEMENT OF OBJECTS AND REASONS

Since the passing of the Medical Termination of Pregnancy Act, 1971, it is found that now-a-days the provisions are misused by those who desire to have only male children. There are private sex-determination clinics which carry out tests and once the foetus is discovered to be a female, the pregnant mother often goes to a Government or municipal hospital to have the abortion. In some cases even the sex-determination clinics also carry out abortions on request. Sex-determination tests and selective abortion, or female foeticide amount to misuse of science and technology, social oppression of women and abuse of human rights.

Hence this Bill.

NEW DELHI;

October 5, 1990.

JAYAWANTI N. MEHTA

BILL NO. 171 OF 1990

A Bill to provide for the establishment of a permanent Bench of the High Court at Madras at Madurai.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the High Court at Madras (Establishment of a Permanent Bench at Madurai) Act, 1990.

Short title.

2. There shall be established a permanent Bench of the High Court at Madras at Madurai and such Judges of the High Court at Madras, being not less than three in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Madurai in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the Districts of Madurai, Dindigul, Quaid-Milad, Tirunelveli, Kattabomman, Chidambaranar, Pasumpen Devar Thirumagan, Kamarajar, Ramnad, Kanyakumari and Tiruchirappalli.

Establishment of a permanent Bench of High Court at Madras at Madurai.

STATEMENT OF OBJECTS AND REASONS

There has been a persisting demand for setting up a permanent Bench of the High Court at Madras at Madurai. More than 1,25,000 cases have been pending in Madras High Court for a long time. Out of these many cases are pending for quite a long time.

It would be appropriate if a Bench of the Madras High Court is established at Madurai. Madurai city is a central place and has all modern facilities of communication and transport. As of now, people belonging to southern districts of Tamil Nadu have to travel to Madras in connection with their cases. It is a time consuming and costly affair.

In the interest of speedy and cheap justice and convenience of the litigant public it is necessary to establish a bench of the High Court at Madras at Madurai. It may not be out of place to mention that the Committee appointed to go into issues relating to setting up of Benches of various High Courts recommended, setting up of one such Bench at Madurai of the Madras High Court.

The Bill seeks to achieve the above objective.

NEW DELHI;
October 9, 1990.

A. G. S. RAMBABU

BILL NO. 180 OF 1990

A Bill to provide for abolition of begging and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Abolition of Begging Act, 1990.	Short title, extent and commencement.
(2) It extends to the whole of India.	
(3) It shall come into force at once.	
 2. In this Act, unless the context otherwise requires,—	Definitions.
(a) “beggar” means a person who indulges in begging;	
(b) “begging” means—	
(i) soliciting or receiving alms in a public place, including railways, whether under the pretence of singing, dancing, fortunetelling, performing tricks or selling articles;	
(ii) entering in any private premises for the purpose of soliciting or receiving alms;	

(iii) exposing or exhibiting any sore, wound, injury, deformity or disease, whether of the self or of any other human being or of an animal, with the object of obtaining or extorting alms;

(iv) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms but does not include soliciting or receiving money or food or gifts for a purpose authorised by any law;

(c) "child" means a boy or girl who has not attained the age of eighteen years;

(d) "Court" means any Court exercising jurisdiction in the area in which the person accused of begging has been arrested; and

(e) "Receiving Centre" means a centre, established under section 6, where any person arrested on the ground of begging shall be sent from the time of his arrest till he is proved to be a beggar.

Abolition
of beg-
ging.

3. Begging by any person is hereby abolished.

Offences
to be cog-
nizable
and non-
bailable.

4. All offences under this Act shall be cognizable and non-bailable.

Punish-
ment for
forced
begging.

5. Whoever forces or encourages any person, including a child in his care, custody or charge, for begging or whoever uses any person as an exhibit for the purpose of begging, shall be punished with imprisonment for a term which shall not be less than five years.

Arrest of
persons
found
begging.
etc.

6. (1) Any person found begging shall be arrested by the police and before making every such arrest, the officer-in-charge of the concerned police-station shall satisfy himself as to the bonafide of the person arrested:

Provided that if a child is found begging, he shall be treated as neglected child and provisions of the Children Act, 1960, shall apply in such cases:

60 of 1960.

Provided further that the Officer-in-charge of the police-station concerned shall be, in case of arrest of an innocent person, liable for such action as may be prescribed by rules made under this Act.

(2) Any person arrested on the ground of begging shall be sent to a Receiving Centre, to be established in every district by the Union Government or the State Government, as the case may be.

Summary
trial.

7. (1) Any person accused of begging shall be produced before the Court for summary inquiry in a manner to be prescribed by rules made under this Act.

(2) If on making the inquiry, the Court comes to the conclusion that the person accused of begging is a beggar, it shall record a finding to that effect.

8. (1) Any person, against whom the Court has recorded a finding under sub-section (2) of section 7, shall be sent to the nearest "Beggars' Welfare Institution", to be established in each district by the Union Government or the State Government, as the case may be, wherein such person shall be provided with facilities for his rehabilitation.

Setting up of Beggars' Welfare Institution.

(2) In the institution, free medical facilities shall be provided to the inmates.

Explanation.—For the purposes of this section "facilities for rehabilitation" means and includes training in agricultural or industrial or other pursuits aiming at gainful employment to beggars.

9. (1) The Central Government shall constitute a Fund to be called the "Beggars' Welfare Fund" for the welfare of the beggars.

Beggars' Welfare Fund.

(2) Every beggar shall be given such amount, as may be necessary but not more than rupees five thousand, out of the Fund constituted under sub-section (1), for self-employment.

10. The Central Government or the State Government, as the case may be, shall formulate such schemes, work out such plans and create suitable infrastructure in every district so as to enable beggars to take up some suitable job for earning livelihood.

Formulation of schemes and plans for beggars.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Inspite of the drive against begging all over the country and enactment of anti-begging legislations by about 15 States and Union territories, the problem of begging still exists. The number of beggars is multiplying arithmetically in our country day by day and the metropolitan cities like Delhi, Bombay, Madras and Calcutta have become bonanza for beggars.

As per 1971 census, the total number of beggars and vagrants in our country was around ten lakhs. Today, it is estimated that the number of beggars has increased to about twenty lakhs.

Curiously enough, the problem of begging assumes the nature of an organised crime when the children and the handicapped are exploited for the purpose of begging by nefarious elements. Besides, many able-bodied persons also indulge in begging almost at all public places.

So far no conscious effort appears to have been made to link begging prevention programmes with social welfare programmes so as to tackle this serious social problem effectively. To root-out the menace of begging from our country, a national perspective is required to be created, first by creating necessary infrastructure to tackle begging sympathetically and then by a legal frame-work to deal with it sternly.

Hence this Bill.

NEW DELHI;
November 15, 1990

KUSUMA KRISHNA MURTHY

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that any person arrested on the ground of begging shall be kept in 'receiving centre', to be established in every district by the Union Government or the State Government, as the case may be, till the time the person arrested is proved to be a beggar. Clause 8 of the Bill provides that any person who has been accused of begging shall be sent to the nearest "Beggars' Welfare Institution", to be established in each district by the Union Government or the State Government, as the case may be, wherein such person shall be provided with facilities for his rehabilitation. It also provides for free medical facilities to the beggars. Clause 9 of the Bill provides for setting up of a "Beggars' Welfare Fund". Clause 10 of the Bill provides for formulation of schemes and creating suitable infrastructure in every district by the Central Government or the State Government, as the case may be. The Central Government would have to incur expenditure from the Consolidated Fund of India for the establishment of receiving centres, Beggars' Welfare Institutions, and for formulating schemes and creating suitable, infrastructure in respect of Union territories. As far as the establishment of receiving centres, Beggars' Welfare Institution, and formulation of schemes and creating suitable, infrastructure in the States are concerned, the State Governments will incur expenditure from their respective consolidated funds. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees 450 crores per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL No. 179 of 1990

A Bill to provide for fixing the limit on borrowing by the Government of India article 292 of the Constitution of India.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Borrowing (Fixation of Limit) Act, 1990.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Notwithstanding anything contained in any other law for the time being in force, the executive power, of the Government of India shall extend to borrowing upon the security of the Consolidated Fund of India to ten per cent. of the gross national product of India, to be determined from year to year.

Fixation of limit on the borrowing power of the Government of India.

STATEMENT OF OBJECTS AND REASONS

The question of fixing limits by Parliament on the borrowing powers of the Central Government under article 292 of the Constitution has been engaging the attention of the Parliament since the year 1962-63.

The Public Accounts Committee in its 9th Report (1962-63) observed:

"The Committee feel that the existing manner of getting Parliamentary approval to the borrowing programme of Government does not provide satisfactory opportunity of an intelligent appraisal in Parliament of the issues involved, which would be afforded, if there were a specific debate thereon. They understand that the practice established in U.K., Canada, Ceylon and USA was to obtain the approval of the Legislature either specifically, before going to market for loans or to restrict the borrowing to the limits prescribed by the Legislature."

The Committee further *inter alia* observed in its Fifty-second Report (1965-66):

"The present procedure under which Parliamentary approval is taken for borrowing programmes as indicated in the Five Year Plans and the annual budgets and for the expenditure from the Consolidated Fund to which the loans are credited, does not satisfy the Constitutional requirements."

The Committee also noted the opinion of the Secretary, Department of Economic Affairs, that a proper system of fixing a limit on Government borrowing could be evolved but it would have to take into account certain variations.

The Committee finally recommended (Fifty-second Report):

"In view of the provisions contained in article 292 of the Constitution and the fact that such statutory limits do exist in other countries and that the debt of the Government of India has been steadily increasing the Committee would like to reiterate their earlier recommendations on this subject."

In the Sixty-eighth Report (Third Lok Sabha), the Committee again observed: "The Committee desires that the Government should take an early decision on the Committee's recommendations suggesting that a practical trial should be given to the healthy principle enunciated in article 292 of the Constitution regarding the fixation of a limit by Parliament on public borrowings".

Thus, the need of a statute fixing the borrowing limit is being urgently felt particularly in view of the fact that the Government have gone

in for massive loans from IMF, World Bank, etc., on conditions harmful to the self-reliant national economy and increasing craze for soft options to deal with the problems on economic front.

The object of the Bill is to restrain the Executive from going in for reckless borrowings and ensure Parliamentary accountability.

Hence this Bill.

NEW DELHI;

June 14, 1990.

CHITTA BASU

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF
THE CONSTITUTION OF INDIA

[Copy of letter No. F. 6(12)-W&M/90, dated 27 November, 1990 from
Shri Yashwant Sinha, Minister of Finance to the Secretary-General,
Lok Sabha.]

The President, having been informed of the subject matter of the proposed Bill, recommends the introduction of the Bill in Lok Sabha under article 117(1) of the Constitution.

BILL No. 161 OF 1990

A Bill to amend the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Scheduled Tribes) (Uttar Pradesh) Order (Amendment) Act, 1990.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
the
Schedule.

2. In the Schedule to the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967, entries 1 to 5 shall be re-numbered as entries 2 to 6 respectively, and before entry 2 as so re-numbered, the entry "1. Anwal" shall be inserted. C. O. 78.

STATEMENT OF OBJECTS AND REASONS

The Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967 lists certain tribes for providing them with certain benefits like reservation of seats in educational institutions, services, etc. The basis for inclusion of these tribes in the Schedule to the Order was their socio-economic backwardness.

A large number of socially and economically backward tribes have, however, not been included in the Schedules to the Orders. One such tribe is 'Anwal' living in Dharchula, Munsayari, Joshimath blocks of District Pithoragarh and Chamoli in U.P. This socially and economically backward community has very low status in the social hierarchy of Hindu castes in U.P.

This community in U.P. has been representing for a long time for inclusion in the list of Scheduled Tribes. Despite the recommendations of the State Government, this community of U.P., has not yet been included in the list of Scheduled Tribes.

This Bill seeks to achieve the above purpose.

NEW DELHI;

August 9, 1990.

HARISH RAWAT

K. C. RASTOGI,
Secretary-General.

